

**Acknowledgment and  
Notice of Acknowledgment  
of Acceptance of R.S. 2477  
Right-of-Way Grant**

**THE STATE OF UTAH**

**TO ALL WHOM THESE PRESENTS SHALL COME, Greeting:**

**Know ye,** This is an Acknowledgment and Notice of Acknowledgment made under Utah Code Sections 72-5-309 through 310 inclusive, that the grant of the United States of America of "the right of way for the construction of highways over public lands, not reserved for public uses" under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its political subdivision Tooele County as it pertains to the highway located in Tooele County known as Clark Quarry Road; County Road Number: tc02239a; State Geographic Information Database (SGID) Road Identification Number: RD230044. Total road length is 0.14 miles more or less.

The reason for this Acknowledgment and Notice of Acknowledgment includes, but is not limited to, the fact that the road was constructed, mechanically, or by continuous use as a public highway for a period of at least ten years, over public lands not reserved for public uses, prior to the earlier of (a) the October 21, 1976 repeal of R.S. 2477 or (b) the date the servient estate was reserved for public uses.

This Acknowledgment and Notice of Acknowledgment applies only to the segments of the road that traverse land owned by the Bureau of Land Management, United States Department of the Interior, and does not apply to segments of the road that traverse land owned by any other person or entity. The State of Utah and its political subdivisions reserve the right to make further acknowledgments and notices of acknowledgment with regard to road segments that traverse land owned by other entities, including the United States of America, through one or more of its agencies.

A printed copy of a map showing the location of the road in said county is appended hereto as "Attachment 1," a printed copy of representative photos of the road is appended hereto as "Attachment 2," a printed copy of a description of the beginning and ending points of the entire road together with a list of Townships, Ranges and Sections that may be traversed by the road in said county is appended hereto as "Attachment 3," and a printed copy of the Road Centerline Description Cover Page(s) is appended hereto as "Attachment 4." The Appendices listed in "Attachment 4" that contain the actual road centerline descriptions are incorporated herein by reference. Affidavits provided by individuals familiar with the road are appended hereto as "Attachment 5."

A printed copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or obtained at the office of the Utah State Archives.

An electronic copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or downloaded as read-only PDF (Portable Document Format) files via the


Internet at <http://recorded2477roads.utah.gov>.

The owner of the servient estate in the land underlying the road-segments subject to this Acknowledgment and Notice is believed to be the United States of America through one or more of its agencies. Any of such agencies or any other person with a servient ownership claim or a competing dominant estate right-of-way ownership claim, may file a petition in the State District Court for Salt Lake County for a decision regarding the correctness of this Acknowledgment. A claimant shall file a petition within sixty (60) days after receipt of this Notice.

**In Witness Whereof**, I, John Harja, the official designee of the Governor of the State of Utah, in conformity to the laws of the State (Utah Code Sections 72-5-308 through 310 inclusive), have caused this Acknowledgment and Notice of Acknowledgment to be made.

Signed by my hand in Salt Lake City, Utah, the 20<sup>th</sup> day of June, 2008.

By the Governor's Designee



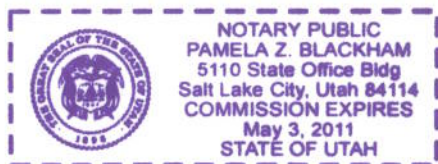
John Harja

### CERTIFICATION

State of Utah                     )  
  : ss  
County of Salt Lake         )

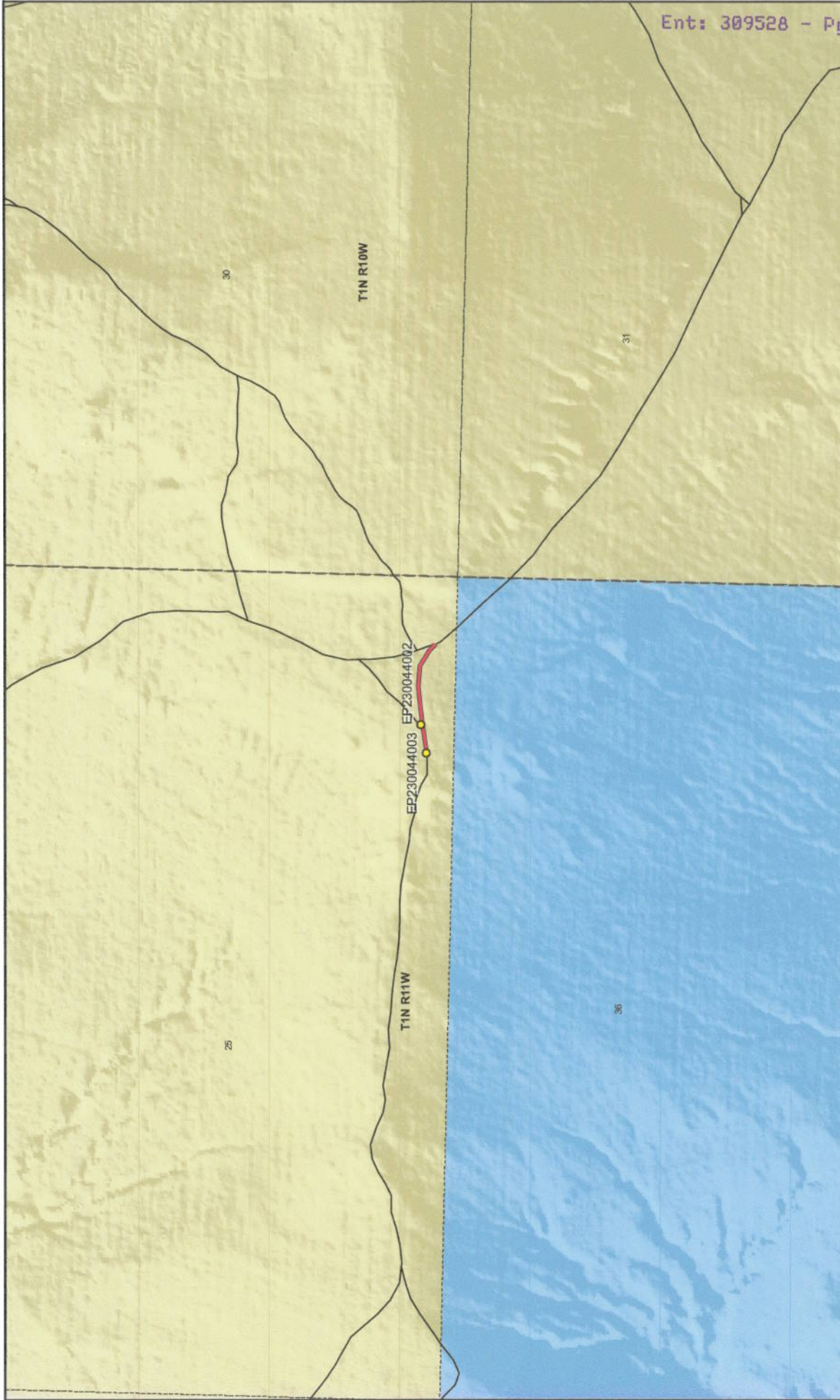
I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to Utah Code Section 72-5-309. He further vouched that, based upon information and belief, the facts alleged therein are true.

Dated this 20<sup>th</sup> day of June, 2008.



Pamela Z. Blackham  
Notary Public





Ent: 309528 - Pg 3 of 13

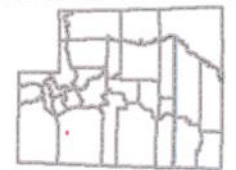
Map prepared by the State of Utah  
Automated Geographic Reference Center  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
Jun 16, 2008



**Clark Quarry Road - Tooele County**  
**SGID RD\_ID RD230044**

- Transportation Network**
- Clark Quarry Road
  - Other Roads
  - Title V: Issued Or Under Consideration By BLM Or County
  - Photo Event Point
  - Section = 1 Mile

- Land Ownership Categories**
- BLM
  - Private
  - SITLA, State Trust Land
  - USFS, National Forest
  - State Parks and Recreation
  - Tribal, Indian Reservation
  - NPS, National Park
  - Wilderness
  - UDWR Wildlife Reserve
  - DOD, Military
  - State Sovereign Land
  - National Recreation Area
  - USFWS, Natl. Wildlife Refuge



1:10,208  
1 inch equals 0.2 miles



EP230044002



EP230044003

EP000000000

EP000000000

EP000000000

EP000000000

**Clark Quarry Road - Tooele County**  
**SGID RD\_ID RD230044**

Map prepared by the State of Utah  
 Automated Geographic Reference Center  
 Room 5130 State Office Building  
 Salt Lake City, Utah 84114  
 June 18, 2008





### Attachment 3

#### Beginning & Ending Points and Township, Range, and Section References For:

**Popular Name:** Clark Quarry Road

**County:** Tooele

**County Road Number:** tc02239a

**State Geographic Information Database (SGID) Road Identification Number:** RD230044.

**Total Road Length:** 0.14 miles more or less.

**Beginning at a point** on the road centerline located at 40 degrees 46 minutes 58.48 seconds North Latitude and -113 degrees 01 minutes 57.55 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,215,973.4 feet and Y = 7,457,570.1 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 40 degrees 46 minutes 58.13 seconds North Latitude and -113 degrees 01 minutes 48.24 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,216,689.0 feet and Y = 7,457,521.9 feet based on the US Survey Foot conversion.

This road may traverse:

Township 1 North Range 11 West, Section(s) 25, Salt Lake Base & Meridian  
See Attachment 1 above for a cartographic depiction of the course of this road.

## Attachment 4

### Road Centerline Description Cover Page(s)

**Popular Name:** Clark Quarry Road

**County:** Tooele

**County Road Number:** tc02239a

**State Geographic Information Database (SGID) Road Identification Number:** RD230044.

**Total Road Length:** 0.14 miles more or less.

**Centerline Descriptions Of Road-Segments That Cross Over Federally Owned Land, Derived From Global Positioning System Data And Cross-checked against USGS Digital Orthophoto Quadrangles Compiled By The Utah Automated Geographic Reference Center And Entered Into The State Geographic Information Database (SGID).**

<b>Road-Segments Listed by SGID Road Identification Number (RD ID)</b>	<b>Road-Segment Numbers</b>	<b>Believed Ownership Of Servient Estate</b>	<b>Approximate Segment Length</b>	<b>See Attached Appendix</b>
<b>RD230044</b>	<b>001</b>	<b>BLM</b>	<b>0.14 Miles</b>	<b>A</b>
		<b>Total Road Length</b>	<b>0.14</b>	<b>_____</b>

\* Indicates that a Title V permit will be requested, is in process, or has been issued.

† Indicates that road-segments crossing Forest Service land are under consideration by the state and county as of the date of this Acknowledgment and Notice of Acknowledgment.

## Attachment 5

**AFFIDAVIT OF GERALD E. BERTAGNOLE**

**CLARK QUARRY ROAD**

**COUNTY ROAD NUMBER tc02239a**

**TOOELE COUNTY, UTAH**

State of Utah                                 )  
  : ss.  
County of Tooele                            )

GERALD E. BERTAGNOLE, being first duly sworn, deposes and states as follows:

1. I am an adult competent to testify about the matters set forth below based upon my personal knowledge. My family has owned property in Tooele County since 1933. I have had grazing allotments in various parts of Tooele County since 1936 and continuing to the present.

2. I have traveled and am familiar with a road in Tooele County known as Clark Quarry Road. I am also familiar with the land the road traverses. When I first used and observed the road in the mid 1950s it followed the same route as in 1998 when I last observed it. Attached is a Tooele County map showing Clark Quarry Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map. The County also identifies this road according to the road number listed above.

3. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as the mid 1950s and continuing through 1976 to 1998. Throughout this time period I have observed travel on the road by



various means, including cars, pickups, livestock trucks, ATVs and jeeps. Throughout this time period, the road has been used weekly for more than ten continuous years prior to 1976, and was so used in 1998.

4. Throughout the time period from the mid 1950s to 1998, I have used the road myself for livestock operations and travel in and through the area.

5. Throughout the time period described in the previous paragraph, I observed vehicles using the road at various times for the uses described in the previous paragraph, plus hunting, well access, recreation and government access.

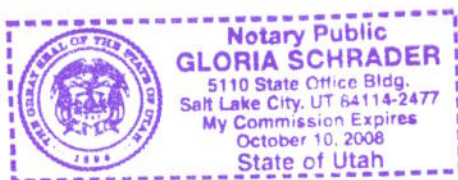
6. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1950s.

7. Prior to 1976, I observed the graded surface of the road.

Dated this 9 day of June, 2008.

  
GERALD E. BERTAGNOLE

SUBSCRIBED AND SWORN to before me this 3rd day of June, 2008.



  
NOTARY PUBLIC



1:9,731  
1 inch equals 0.2 miles



Map prepared by the State of Utah  
AGRC  
Automated Geographic Reference Center  
Room 5190, Capitol Office Building  
Salt Lake City, Utah 84114  
Apr 18, 2008

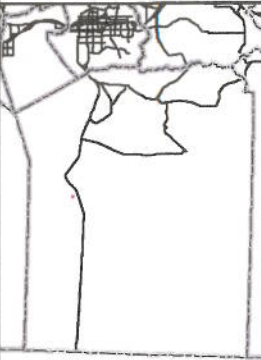


**Tooele County**  
**Clark Quarry Road**  
**County Unique -1c02239a**

- Transportation Network**
- Clark Quarry Road
  - State / U.S. Highway
  - Local Roads

- Misc**
- City / Town
  - Municipalities
  - Section = 1 Mile

- Land Ownership Categories**
- BLM
  - Private
  - SITLA, State Trust Land
  - USFS, National Forest
  - State Park





**AFFIDAVIT OF LEE F. NIX**

**CLARK QUARRY ROAD**

**TOOELE COUNTY, UTAH**

**ROAD NUMBER tc02239a**

State of Utah                                 )  
  : ss.  
County of Tooele                            )

LEE F. NIX, being first duly sworn, deposes and states as follows:

1.       I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I currently reside in Tooele, Tooele County, Utah. I was born and raised in Tooele County and have lived here all of my life for 80 years.

2.       I have traveled and am familiar with a road in Tooele County known as Clark Quarry Road. I am also familiar with the land the road traverses. When I first used and observed the road in the late 1930s it followed the same route as in 2003 when I last observed it. Attached is a Tooele County map showing Clark Quarry Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.

3.       I am informed that the County also identifies this road according to the road number listed above.

4.       I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as the late 1930s and continuing through 2003. During this time period I have observed travel on the road by means of cars, pickup trucks and ATVs. During this time period, the road was used daily, weather permitting, for more than ten continuous years prior to 1976 and was so used in 2003.



5. During the time period from the late 1930s to 2003, I have used the road myself for sightseeing, recreation, hunting, rock hounding and travel in and through the area.

6. During the time period described in the previous paragraph, I have observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph plus livestock operations and access to private property.

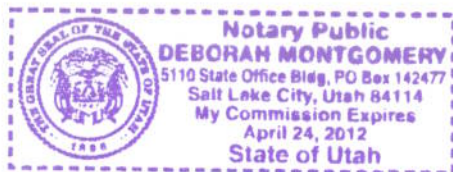
7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

8. Prior to 1976, I observed the graded surface of the road and other evidence of maintenance and construction such as berms along the side of the road.

DATED this 22 day of May, 2008.

  
LEE F. NIX

SUBSCRIBED AND SWORN to before me this 22 day of May, 2008.



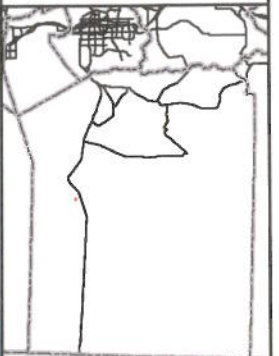
  
NOTARY PUBLIC



1:9,731  
1 inch equals 0.2 miles



Map prepared by the State of Idaho  
Automated Geographic Reference Center  
AGRC  
From 0130 State Office Building  
Salt Lake City, Utah 84114  
Apr 18, 2008



**Tooele County**  
**Clark Quarry Road**  
**County Unique -tc02239a**

- Land Ownership Categories**
- BLM
  - Private
  - SITLA, State Trust Land
  - USFS, National Forest
  - State Park
- Misc**
- Wildlife Reserve
  - Military
  - Wilderness
  - Tribal
- Transportation Network**
- Clark Quarry Road
  - State / U.S. Highway
  - Local Roads
- City / Town**
- Municipalities
  - Section = 1 Mile



## Appendix A to Attachment 4

**Popular Name: Clark Quarry Road**

**County: Tooele**

**County Road Number: tc02239a**

**State Geographic Information Database (SGID) Road Identification Number: RD230044.**

**Road-Segment Number: 001**

**Road-Segment Length: 0.14 miles more or less.**

**Believed owner of the land underlying this road-segment is: Bureau of Land Management.**

*The following description is based upon the geographic coordinate system using the NAD83 Datum. The source is GPS mapping grade data as indicated in the metadata and/or the transportation data model of the State of Utah Geographic Information Database (SGID).*

The road-segment itself is the monument that is identified by its physical presence on the land. The location of said physical presence is closely approximated by mapping grade Global Positioning System (GPS) data. Said data are checked against the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS) to verify a reasonable degree of accuracy. In circumstances where accurate satellite signal acquisition is not possible, such as deep, narrow canyons or under a canopy of dense foliage, or where very sharp curves in the road make accuracy questionable, such portions of the road were digitized from the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS).

This road-segment may traverse:

Township 1 North Range 11 West, Section(s) 25, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (Clark Quarry Road)-- Segment 001 based on mapping grade Global Positioning System (GPS) data as defined above:

**Beginning at a point** on the road center line located at 40 degrees 46 minutes 58.48 seconds North Latitude and -113 degrees 01 minutes 57.55 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,215,973.4 feet and Y = 7,457,570.1 feet; thence the following courses along the said road center line:

thence North 80 Degrees 58 Minutes 08 Seconds East 163 feet

thence North 75 Degrees 16 Minutes 20 Seconds East 13.2 feet

thence North 83 Degrees 20 Minutes 40 Seconds East 134.4 feet

thence North 83 Degrees 37 Minutes 25 Seconds East 140.6 feet

thence South 86 Degrees 02 Minutes 46 Seconds East 131.3 feet

thence South 57 Degrees 36 Minutes 06 Seconds East 121.3 feet

thence South 45 Degrees 53 Minutes 12 Seconds East 49.2 feet more or less to **the ending**

**point at:** 40 degrees 46 minutes 58.13 seconds North Latitude and -113 degrees 01 minutes 48.24 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah Central Zone NAD 83 feet coordinates of X = 1,216,689.0 feet and Y = 7,457,521.9 feet.